



**United States District Court
Central District of California
Western Division**

JOSEPH MCNICHOLAS,
Plaintiff,

v.

LOYOLA MARYMOUNT
UNIVERSITY,
Defendant.

CV 17-00386 TJH (Ex)
REDACTED AS TO
FOREPERSON SIGNATURE

Verdict

We, the jury, unanimously find the following:

Question 1

Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that Defendant Loyola Marymount University interfered with his rights under the Family and Medical Leave Act by failing to reinstate him to the same or comparable position upon his return from leave on November 11, 2015?

Yes _____ No ☒ _____

Question 2

Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that Defendant Loyola Marymount University interfered with his rights under the Family and Medical Leave Act by terminating his employment?

Yes _____ No ☒ _____

Question 3

Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that Defendant Loyola Marymount University interfered with his rights under the California Family Rights Act by failing to reinstate him to the same or comparable position upon his return from leave?

Yes _____ No ☒ _____

Question 4

Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that Defendant Loyola Marymount University interfered with his rights under the California Family Rights Act by terminating his employment?

Yes _____ No ☒ _____

Question 5

Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that Defendant Loyola Marymount University retaliated against him for exercising his rights under the Family and Medical Leave Act?

Yes _____ No ✓

Question 6

Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that Defendant Loyola Marymount University retaliated against him for exercising his rights under the California Family Rights Act?

Yes _____ No ✓

If the answer to either Question 5 or Question 6 is "Yes," go to Question 7. If the answers to both Question 5 and Question 6 are "No," go to Question 8.

Question 7

Did Defendant Loyola Marymount University prove by a preponderance of the evidence that Defendant Loyola Marymount University would have reached the same decision to discharge Plaintiff Joseph McNicholas if Defendant Loyola Marymount University had not considered Plaintiff Joseph McNicholas's complaints that Defendant Loyola Marymount University's interfered with his rights under the Family and Medical Leave Act and California Family Rights Act?

Yes _____ No _____

Question 8

Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that Defendant Loyola Marymount University wrongfully discharged him in violation of public policy?

Yes _____ No ✓

Question 9

Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that Defendant Loyola Marymount University discharged him for reporting violations of the Family and Medical Leave Act or the California Family Rights Act, in violation of California Labor Code § 1102.5?

Yes _____ No ✓

If the answer to Question 9 is "Yes," go to Question 10. If the answer to Question 9 is "No," go to Question 11.

Question 10

Did Defendant Loyola Marymount University prove by clear and convincing evidence that it would have discharged Plaintiff Joseph McNicholas anyway for legitimate, independent reasons other than reporting violations of the Family and Medical Leave Act or the California Family Rights Act?

Yes _____ No _____

Question 11

If you found Defendant Loyola Marymount University liable, what damages, if any, is Plaintiff Joseph McNicholas entitled to recover from Defendant Loyola Marymount University:

Lost Past Income: \$ Ø.ØØ Zero Dollars

Lost Future Income: \$ Ø.ØØ Zero Dollars

Date: 11/02/18

/s/
Jury Foreperson